

## Hopkins, Seth (CAO)

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**From:** Cate Edwards <cedwards@edwardskirby.com>  
**Sent:** Thursday, June 27, 2019 5:49 AM  
**To:** Hopkins, Seth (CAO)  
**Cc:** Callan, Jennifer F - LGL; Hall, Trevor A.; Nagorski, Patrick (CAO); Martin, Christy - LGL; Vinson, Celena (CAO)  
**Subject:** Re: Brown v. City of Houston, et al, Civ Action No H-17-1749

Seth,

I understand your position, but we will need to agree to disagree about the implications of 103.53 as to the stay in this matter. I don't think having this debate, particularly by email, is productive. That said, I am happy to discuss this with you when we are free later today or Friday morning.

As a practical matter, I will be traveling with my family over the upcoming holiday week and, as a result, plan to have my motion on file by Friday. If you'll each let me know your position on the motion, it would be much appreciated.

Thanks,  
Cate

Cate Edwards  
Edwards Kirby  
3201 Glenwood Ave  
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[cedwards@edwardskirby.com](mailto:cedwards@edwardskirby.com)

On Jun 26, 2019, at 11:42 PM, Hopkins, Seth (CAO) <[Seth.Hopkins@cao.hctx.net](mailto:Seth.Hopkins@cao.hctx.net)> wrote:

Cate,

You said I'm aware that Mr. Brown's claim against the County, City, and District Attorney "is actually a different, separate claim" than the one he's seeking compensation from the State for. However, I haven't seen his petition for State compensation, or the State's response. Could you provide us those document so we can review?

Under Texas Civil Practices & Remedies Code § 103.153, Mr. Brown may not receive compensation from the State while also bringing an action "involving the same subject matter, including an action involving the person's arrest, conviction, or length of confinement, against any governmental unit or an employee of any governmental unit." (See statute below.) Thus, if both his State and Federal claims "involve" the same conviction, my understanding is he can't be compensated twice. That's why I asked whether Mr. Brown plans to appeal his State claim, because that would likely affect our analysis of your request to lift the stay.

I'm not available until around 4 p.m. CT tomorrow, but I'm free anytime Friday.

Sec. 103.153. EMPLOYEES NOT LIABLE AFTER PAYMENT OF COMPENSATION. (a) In this section, "employee" and "governmental unit" have the meanings assigned by Section [101.001](#).

(b) A person who receives compensation under this chapter may not bring any action involving the same subject matter, including an action involving the person's arrest, conviction, or length of confinement, against any governmental unit or an employee of any governmental unit.

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**From:** [Cate Edwards](#)

**Sent:** Wednesday, June 26, 2019 7:48 PM

**To:** [Hopkins, Seth \(CAO\)](#)

**Cc:** [Callan, Jennifer F - LGL](#); [Hall, Trevor A.](#); [Nagorski, Patrick \(CAO\)](#); [Martin, Christy - LGL](#); [Vinson, Celena \(CAO\)](#)

**Subject:** Re: Brown v. City of Houston, et al, Civ Action No H-17-1749

Seth,

I appreciate your position, but respectfully disagree that Mr. Brown is somehow barred from pursuing his civil claim against the County, the DA's office and the City. As to your question, the State has denied Mr. Brown's request and, as Mr. Manne has conveyed, it is likely headed for a long appeals process. As I know you're aware, the claim that we are litigating here is actually a different, separate claim, based on allegations of wrongdoing by the County, the DA's office and the City. Given all this, I do not see any reason why Mr. Brown should not be permitted to pursue his civil claim at this time. I'd be happy to discuss this by phone, if you're available tomorrow?

Best,  
Cate

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On Jun 26, 2019, at 6:56 PM, Hopkins, Seth (CAO) <[Seth.Hopkins@cao.hctx.net](mailto:Seth.Hopkins@cao.hctx.net)> wrote:

Cate,

I understand your client's desire to move forward, but can you tell us more about what's happening with his request for State compensation? I read that the State sent a letter explaining why compensation was denied. Can you forward that to us, and let us know Plaintiff's plans? If he's simultaneously trying to recover from two different sources for the same claim, we would have to oppose reopening the case until he finished his process in State court.

Thank you,

Seth Hopkins

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**From:** Cate Edwards <[cedwards@edwardskirby.com](mailto:cedwards@edwardskirby.com)>  
**Sent:** Wednesday, June 26, 2019 3:43 PM  
**To:** Callan, Jennifer F - LGL <[Jennifer.Callan@houstontx.gov](mailto:Jennifer.Callan@houstontx.gov)>; Hopkins, Seth (CAO) <[Seth.Hopkins@cao.hctx.net](mailto:Seth.Hopkins@cao.hctx.net)>  
**Cc:** Hall, Trevor A. <[Trevor.Hall@leclairryan.com](mailto:Trevor.Hall@leclairryan.com)>; Nagorski, Patrick (CAO) <[Patrick.Nagorski@cao.hctx.net](mailto:Patrick.Nagorski@cao.hctx.net)>; Martin, Christy - LGL <[Christy.Martin@houstontx.gov](mailto:Christy.Martin@houstontx.gov)>; Vinson, Celena (CAO) <[Celena.Vinson@cao.hctx.net](mailto:Celena.Vinson@cao.hctx.net)>  
**Subject:** Re: Brown v. City of Houston, et al, Civ Action No H-17-1749

All,

That is accurate, but my client is not willing to delay his civil case indefinitely. It is our intention to move to lift the stay. If you do not consent to that motion, just let me know and I will note that in my motion.

**Cate Edwards**

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**From:** Jennifer Callan <[Jennifer.Callan@houstontx.gov](mailto:Jennifer.Callan@houstontx.gov)>  
**Date:** Wednesday, June 26, 2019 at 2:17 PM  
**To:** Cate Edwards <[cedwards@edwardskirby.com](mailto:cedwards@edwardskirby.com)>, "Hopkins, Seth (CAO)" <[Seth.Hopkins@cao.hctx.net](mailto:Seth.Hopkins@cao.hctx.net)>  
**Cc:** "Hall, Trevor A." <[Trevor.Hall@leclairryan.com](mailto:Trevor.Hall@leclairryan.com)>, "Nagorski, Patrick (CAO)" <[Patrick.Nagorski@cao.hctx.net](mailto:Patrick.Nagorski@cao.hctx.net)>, Christy Martin <[Christy.Martin@houstontx.gov](mailto:Christy.Martin@houstontx.gov)>, "Vinson, Celena (CAO)" <[Celena.Vinson@cao.hctx.net](mailto:Celena.Vinson@cao.hctx.net)>  
**Subject:** RE: Brown v. City of Houston, et al, Civ Action No H-17-1749

Cate:

It is my understanding (per the newspaper article on matter), that your client is going to seek reconsideration and if necessary, appeal to the Texas Supreme Court. If such is true, then a motion to lift stay in our case is not proper at this time.

Thoughts – anyone?

Best regards,

*Jennifer F. Callan*

Senior Assistant City Attorney  
City of Houston Legal Department  
900 Bagby, 3<sup>rd</sup> Floor  
Houston, Texas 77002  
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**From:** Cate Edwards <[cedwards@edwardskirby.com](mailto:cedwards@edwardskirby.com)>  
**Sent:** Wednesday, June 26, 2019 1:07 PM  
**To:** Callan, Jennifer F - LGL <[Jennifer.Callan@houstontx.gov](mailto:Jennifer.Callan@houstontx.gov)>; Hopkins, Seth (CAO) <[Seth.Hopkins@cao.hctx.net](mailto:Seth.Hopkins@cao.hctx.net)>  
**Cc:** Hall, Trevor A. <[Trevor.Hall@leclairryan.com](mailto:Trevor.Hall@leclairryan.com)>; Nagorski, Patrick (CAO) <[Patrick.Nagorski@cao.hctx.net](mailto:Patrick.Nagorski@cao.hctx.net)>; Martin, Christy - LGL <[Christy.Martin@houstontx.gov](mailto:Christy.Martin@houstontx.gov)>; Vinson, Celena (CAO) <[Celena.Vinson@cao.hctx.net](mailto:Celena.Vinson@cao.hctx.net)>  
**Subject:** Re: Brown v. City of Houston, et al, Civ Action No H-17-1749

[Message Came from Outside the City of Houston Mail System]  
Counsel,

As a follow-up to the below, yesterday Mr. Brown's request for compensation was denied by the Comptroller. As such, it is time to reinstate the civil case to the active docket. If you think it would be productive to discuss this, I can be available for a phone conference any time tomorrow. Alternatively, I am happy to circulate a simple joint motion to lift stay, if everyone is amenable.

Best,  
Cate

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**From:** Jennifer Callan <[Jennifer.Callan@houstontx.gov](mailto:Jennifer.Callan@houstontx.gov)>

**Date:** Tuesday, May 21, 2019 at 3:43 PM

**To:** Cate Edwards <[cedwards@edwardskirby.com](mailto:cedwards@edwardskirby.com)>, "Hopkins, Seth (CAO)" <[Seth.Hopkins@cao.hctx.net](mailto:Seth.Hopkins@cao.hctx.net)>

**Cc:** "Hall, Trevor A." <[Trevor.Hall@leclairryan.com](mailto:Trevor.Hall@leclairryan.com)>, "Nagorski, Patrick (CAO)" <[Patrick.Nagorski@cao.hctx.net](mailto:Patrick.Nagorski@cao.hctx.net)>, Christy Martin

<[Christy.Martin@houstontx.gov](mailto:Christy.Martin@houstontx.gov)>, "Vinson, Celena (CAO)"

<[Celena.Vinson@cao.hctx.net](mailto:Celena.Vinson@cao.hctx.net)>

**Subject:** RE: Brown v. City of Houston, et al, Civ Action No H-17-1749

No opposition from City Defendants.

Best regards,

*Jennifer F. Callan*

Senior Assistant City Attorney  
City of Houston Legal Department  
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**From:** Cate Edwards <[cedwards@edwardskirby.com](mailto:cedwards@edwardskirby.com)>

**Sent:** Tuesday, May 21, 2019 2:28 PM

**To:** Callan, Jennifer F - LGL <[Jennifer.Callan@houstontx.gov](mailto:Jennifer.Callan@houstontx.gov)>; Hopkins, Seth (CAO) <[Seth.Hopkins@cao.hctx.net](mailto:Seth.Hopkins@cao.hctx.net)>

**Cc:** Hall, Trevor A. <[Trevor.Hall@leclairryan.com](mailto:Trevor.Hall@leclairryan.com)>; Nagorski, Patrick (CAO) <[Patrick.Nagorski@cao.hctx.net](mailto:Patrick.Nagorski@cao.hctx.net)>; Martin, Christy - LGL

<[Christy.Martin@houstontx.gov](mailto:Christy.Martin@houstontx.gov)>; Vinson, Celena (CAO) <[Celena.Vinson@cao.hctx.net](mailto:Celena.Vinson@cao.hctx.net)>

**Subject:** Brown v. City of Houston, et al, Civ Action No H-17-1749

**Importance:** High

[Message Came from Outside the City of Houston Mail System]  
Counsel,

Mr. Brown has filed a Request for Wrongful Imprisonment Compensation with the Texas Comptroller's office. The Comptroller has not yet ruled on that, but has 45 days from the filing (on May 9<sup>th</sup>) to do so. We would like to wait to reinstate this case until the Comptroller has ruled. Given the Court's order requiring that we move for a lift of the stay within 14 days of the court's order, I would like to file a motion to enlarge the time to move to lift the stay. Would you all agree to that motion or oppose that motion? I have attached draft agreed motion and proposed order, if you're amenable. Please let me know.

Best,  
Cate

**Cate Edwards**

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